

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO.: 3:02CR20**

UNITED STATES OF AMERICA

vs.

PATRICK LEE SWISHER,

Defendant.

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ORDER

THIS MATTER is before the Court on Defendant's "Motion for Early Termination of His Term of Supervised Release," filed December 8, 2005.

On February 6, 2002, Defendant pled guilty to two charges involving filing a false tax return, in violation of 26 U.S.C. § 7206(1), and making a material false statement on a mortgage application, in violation of 18 U.S.C. 1001. This Court sentenced Defendant on October 15, 2002, to 30 months imprisonment on each count, to run concurrently, and two years of supervised release. Judgment was entered on October 23, 2002.

Defendant began his term of supervised release on September 3, 2004, and his supervised release will terminate in September 2006. Defendant asks the Court to release him from the final ten months of supervised release because: (1) he has paid full restitution; (2) he has complied with each and every condition of his term of supervised release; and (3) he is currently on telephone-only or low intensity reporting to the United States Probation Office. Moreover, United States Probation Officer Randy Richardson consents to Defendant's Motion. Defendant advises the Court that the United States Attorney's Office objects to his Motion on the grounds that two-thirds of a defendant's term of supervised release should pass before the term should be

terminated.¹

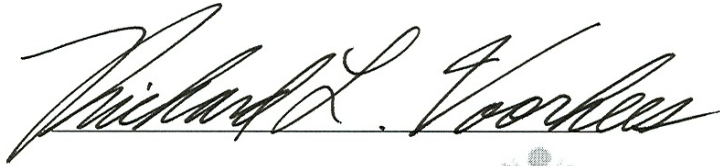
Taking into consideration the factors set forth in 18 U.S.C. § 3553(a), and after the defendant has completed at least one year of supervised release, a court may terminate a term of supervised release if the court is satisfied that such termination is warranted by the conduct of the defendant and the interest of justice. 18 U.S.C. § 3583(e). Accordingly, the Court has considered the relevant factors in 18 U.S.C. § 3553(a), the conduct of Defendant, the interests of justice, and the recommendation of the United States Probation Office. Upon such review the Court finds that termination of supervised release is appropriate.

IT IS, THEREFORE, ORDERED, that Defendant's "Motion for Early Termination of His Term of Supervised Release" is hereby **GRANTED**. Defendant's remaining term of supervised release is terminated and Defendant is released from supervision.

The Clerk is directed to send copies of this Order to defense counsel, the United States Attorney, and the United States Probation Office.

¹The Court notes that just 21 days after Defendant's release from prison, the Court granted Defendant's unopposed Motion to Travel, which allowed Defendant to travel nationally and internationally for business purposes.

Signed: December 13, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge



